

EXHIBIT 27

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

EL PASO COUNTY, TEXAS
500 E. San Antonio
El Paso, TX 79901,

BORDER NETWORK FOR HUMAN RIGHTS
2115 N. Piedras St
El Paso, TX 79930,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500,

PATRICK M. SHANAHAN, in his official capacity
as Acting Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301,

KEVIN McALEENAN, in his official capacity as
Acting Secretary of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485,

TODD T. SEMONITE, in his official capacity as
Commanding General
United States Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000,

DAVID BERNHARDT, in his official capacity as
Acting Secretary of the Interior
1849 C Street, NW
Washington, DC 20240,

Defendants.

Civil Action No. 3:19-cv-66

**DECLARATION OF
FERNANDO GARCIA**

DECLARATION OF FERNANDO GARCIA

My name is Fernando Garcia. I hereby declare:

1. I am over the age of 18. I provide this declaration based on personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director of Border Network for Human Rights (“BNHR”), a position I have held for 21 years, since founding the organization in 1998. My duties as Executive Director include overseeing many different programs and campaigns under BNHR’s four main pillars: (1) community organizing and development; (2) policy and advocacy (at the state, local, and federal levels); (3) communications; and (4) internal administration. Among other things, this involves frequently meeting and communicating with allies, partners, members, and staff.
3. BNHR is a community-based organization with 501(c)(3) tax-exempt status, incorporated under the laws of the State of Texas, and headquartered in El Paso, Texas. BNHR’s mission is to organize border communities through human rights education and to mobilize our members to advocate for positive change in policies and practices that affect the lives of the immigrant community. We educate our own members about their rights, and train them to educate and organize other members of the immigrant community to defend and promote human and civil rights. Our goal is to create the political, economic, and social conditions where every human being has dignity and equal rights.
4. BNHR’s members comprise more than 1,000 families, and approximately 5,000 individuals, who live and work in West Texas, the metropolitan area of El Paso, and Southern New Mexico—though the organization is constantly growing. BNHR

members frequently travel back and forth between El Paso and Las Cruces; between Texas, New Mexico, and Ciudad Juárez (“Juarez”); and throughout the border region along the New Mexico border. BNHR members frequently use the ports of entry in El Paso and the Santa Teresa port of entry in New Mexico.

5. People learn about and join BNHR in several ways. Some hear of us by word of mouth, as we regularly invite entire communities to “Know Your Rights” presentations in community centers, churches, and schools, where we educate people about their constitutional rights and teach them how to document any violations of these rights by Immigration Customs Enforcement (“ICE”) and/or Customs and Border Patrol (“CBP”). Others hear of us through our public advocacy campaigns and community events, or through family members, friends, and fellow churchgoers who invite them to attend one of our human rights committee meetings.
6. Individuals who are interested in joining BNHR can do so in two different ways. First, one can attend a “Know Your Rights” presentation and subsequent BNHR presentations about constitutional and human rights. Then, the prospective family can form a group with other newcomers, with a group usually consisting of ten or fewer families who meet weekly and discuss BNHR’s “Know Your Rights” curriculum. After three months, a group can request to become a human rights committee. Then, if BNHR finds that all of the group’s members have been meeting regularly and have successfully completed the curriculum, BNHR will recognize the group as a committee and the families as BNHR members. Second, a prospective member can ask a committee coordinator to attend an existing committee meeting,

and, after three months, the coordinator can decide whether the person is eligible to become a BNHR member.

7. After becoming a BNHR member, an individual can participate in BNHR's internal discussions and decision-making processes. The prospective member can also request to be trained as a human rights promotor, which is the organization's first leadership position.
8. The strength of BNHR lies in its grassroots organizing and its willingness to work within the system to combat human rights and civil rights abuses, and to bring about change to the U.S. immigration system. BNHR members can speak firsthand of the suffering of immigrants under current laws; our organization provides them with the tools to advocate for reform.
9. A key component of BNHR's mission is to participate in the nation-wide effort to achieve comprehensive immigration reform by educating elected officials at every level of government about the needs of border communities. BNHR members strive to give communities a voice in this important debate because the consequences of immigration policy are felt on the border every day.
10. Another primary component of BNHR's mission is building better relationships between the immigrant community and law enforcement, both federal and local. For over a decade, BNHR has been working to bring the community and law enforcement together for common sense security, so families can report crime and abuse without fear. As part of those efforts, BNHR has hosted neighborhood forums with area law enforcement officers and Border Patrol agents meant to spur dialogue and build trust. In 2000, BNHR collected 150 reports of abuse by local law enforcement officers. By

2013, the number of abuse reports dropped to 20. This reduction in civil rights abuses is directly related to BNHR's mission-critical work.

11. The President's Proclamation declaring that there is a national security emergency at the Southern border, his accompanying false statements about the dangers posed to the community by immigrants and our proximity to Mexico, the impending construction of more border barriers along the New Mexico-Mexico border, and the threat of additional military presence in our community frustrates BNHR's mission and irreparably harms our member families.
12. The President's Proclamation has shattered the trust we have built between our community and law enforcement and frustrated our mission to build that trust. The Proclamation is an official government pronouncement that "violent criminals" are entering the U.S. through the Southern border, particularly through El Paso, and that these violent criminals must be repelled—by law enforcement, by an increased military presence, and by walls. As a result, BNHR families have become fearful of law enforcement officers and are afraid to take their children to school, go to doctor's appointments, show up at work, and even seek help from law enforcement when they need it. BNHR members also feel targeted and endangered in the wider community by the false negative statements about immigrants, are worried that it will embolden violence against them and their children, and have witnessed an increase in civilian militia activity. In short, because of President Trump's Proclamation and false claims about immigrants, El Paso, and the border community, BNHR families are forced to live in fear.

13. Because of the Proclamation's effects on BNHR's member families, BNHR has had to divert resources away from its core mission of educating the immigrant community, promoting their activism, fostering open relationships with law enforcement, and promoting immigration reform toward efforts to combat the false negative message fostered by the Proclamation. BNHR has had to reduce its educational efforts and increase its efforts to counsel community members who are fearful; and we have had to reduce our organizing efforts around immigration reform and spend more time organizing our community in opposition to the President's Proclamation.
14. Every weekend since the Proclamation, BNHR has conducted some sort of activity—an advocacy event, a community training, or something similar—related to the President's Proclamation, which I expect will continue indefinitely. BNHR has Proclamation-related activities on the calendar through May 25, 2019, and we continue to add such events regularly, given the constant need to respond to immediate developments at the border and to denounce the administration's false rhetoric.
15. During the three years preceding the Proclamation, BNHR would conduct between 1 and 3 "Know Your Rights" presentations within communities a week. Since the Proclamation, BNHR has been conducting 10 to 15 a week. BNHR has increased the frequency of these presentations because it has found that, since the Proclamation, community members are increasingly worried about law enforcement unlawfully entering their property and stopping them while they are going about their daily lives within the community.

16. As a result of the Proclamation, BNHR has also hired an additional policy consultant at an organizational cost of \$14,400 to assist with an aggressive advocacy campaign to combat the division and fear the Proclamation's misinformation is sowing within the community. The campaign seeks to educate members of Congress and the general public about the impact of the administration's current border policy, and to propose policy remedies. The campaign has required BNHR to expend significant resources that could have, and would have, gone elsewhere.
17. BNHR has also expended additional resources to coordinate its efforts in the El Paso Sector with those of similar groups in the Rio Grande Valley, and along the border in Arizona and California, in order to have a more substantial advocacy effect.
18. BNHR has also had to increase the frequency and work they do with local attorneys. In the past, BNHR had worked with attorneys, but since the Proclamation, BNHR has made sure attorneys regularly attend community forums in order to provide legal advice and document Border Patrol's and ICE's violations of constitutional rights. BNHR has also paid approximately \$2,000 for a staff member to train as a paralegal to ensure BNHR members' legal claims are vindicated.
19. BNHR has also been sending regular delegations to meet with members of Congress in Washington, D.C. to provide them with accurate information regarding the situation at the Southern border and to correct the Trump administration's false impression that there is an ongoing emergency in El Paso. These delegations were not planned prior to the Proclamation but are a direct result of its existence.
20. BNHR has also hosted several fact-finding Congressional delegations in El Paso since the Proclamation, as BNHR is a key source of information for these delegations.

Representative Veronica Escobar facilitates these delegations, which have included House Committee on Homeland Security Chairman Bernie G. Thompson, as well as others from the House Appropriations committee. These visits were not planned prior to the Proclamation, are a direct result of its existence, and require the time of BNHR staff that is above and beyond their core duties.

21. As of April 17, 2019, these additional efforts have cost BNHR \$23,956.00—\$9,948 toward marches and protests; \$7,995 toward travel; and \$6,013 toward materials, equipment, rentals, and supplies.
22. As a result of these additional events, our staff is working longer hours at the expense of their own personal pursuits. All BNHR staff, and some community organizers and volunteers, have been working late nights and almost every day, including weekends, to fulfill their increased duties. At least one organizer has also had to postpone a family vacation to conduct a BNHR weekend event, and members have been very hesitant to use any personal days due to the increased workload.
23. This is a substantial departure from BNHR's past protocols. Before the Proclamation, BNHR staff was not working late or on weekends, except for very infrequent occasions, and BNHR members were taking personal days off.
24. Because employees and members are working nights and weekends, postponing vacations, and no longer taking personal days, I worry they no longer have enough time to spend with their family, and that they are feeling pressure due to this, which may ultimately affect not only their personal lives but also their work performance. BNHR itself also is feeling pressure to compensate workers for the extra time they have been working in the form of additional personal days in the future.

25. As a result of the Proclamation, my own job has changed significantly, as well.
26. Before the Proclamation, I spent about 40% of my time doing community development, 20 to 25% of my time doing policy advocacy, 15% of my time doing communications, and 20% of my time doing administrative work.
27. Since the Proclamation, I have found myself spending far more time overseeing community development and organizing programs, namely those focused on educating community members about their constitutional rights in the border region as part of BNHR's "Know Your Rights" forums.
28. In terms of day-to-day tasks, since the Proclamation, I have dedicated more time to organizing defense actions in the community. I meet with BNHR's partners and allies in the region on a daily basis to talk about the effect of new enforcement strategies at the border—previously, I had met with them only sporadically—in addition to sending and reviewing about 30 to 40 emails daily. I also check-in at least once a day with BNHR's administrative team regarding the status of various financial and internal administrative processes, and with our different program directors in order to review their needs and reports. And I meet with directors at least twice a day now, whereas I had previously met with them only once a day. This work cuts into the amount of time I can dedicate toward my other duties as executive director, such as fundraising.
29. Since the Proclamation, BNHR has not taken a substantive break in our advocacy. Before the Proclamation, BNHR held an advocacy event every 4 to 6 weeks. Now, every week, BNHR has an event to respond to the administration's recent activities—

threatening to close the border, holding immigrants in camps, and sending military troops, among other actions.

30. The impact on BNHR's mission is illustrated by the fact that the President's Proclamation has effectively ended two of BNHR's campaigns that have involved years-worth of our work and resources. First, by claiming El Paso is dangerous and in need of more law enforcement agents to deal with the supposed criminality of immigrants, BNHR's ongoing campaign to build and maintain trust between community members and law enforcement has been effectively halted, both because of our members' fears and the shift in attitude by the Border Patrol brought on by the rhetoric that underpins the Proclamation. This has undermined 18 years-worth of relationship building and thoughtful, substantive dialogue between community members and law enforcement, all of which had led the El Paso Sector to maintain the lowest number of abuses by Border Patrol, by any metric, among all sectors along the Southern border. (In 2015, the number of complaints in the El Paso Sector had fell between 70 to 80% when compared to the year 2000).
31. Today, I feel that Border Patrol is no longer accountable to the community. They are being forced to take action that they had never taken before, such as placing migrant families under bridges and behind razor wire, in order to assist the Trump administration in creating a false narrative.
32. Second, the Proclamation has effectively ended one of our major initiatives, the "Hugs Not Walls" campaign. "Hugs Not Walls" is an important, symbolic event to BNHR's mission. During the event, BNHR facilitates reunification between families from both sides of the border, either in the middle of the Rio Grande, or through a

large, metal door along the border fence. This campaign cannot continue both because law enforcement is no longer supportive—Border Patrol has not responded to any of BNHR’s attempts to contact them—and also because of the impending construction of more border barriers. We have therefore been forced to cancel the event we had planned for 2019.

33. BNHR and its member families will also be harmed by the impending construction the government has recently announced, which will impact the port of entry at Santa Teresa, New Mexico, and the entirety of the border in Doña Ana County, New Mexico. The harmful impacts to member families are economic, environmental, and logistical. And the construction will cause yet more diversion of BNHR resources away from our core mission and toward opposing construction we thought we had stopped through the results of the 2018 election.
34. BNHR members have suffered greatly because of the escalating delays in crossings at the El Paso ports of entry. The time it now takes to cross the border in El Paso has hindered BNHR members in their ability to go to Juarez, be visited by family members from Juarez, and get to their places of employment and even to medical appointments. Moreover, slowdowns at the border are affecting the ability of Mexican friends and family of BNHR members to shop on the American side of the border. The government’s plan to start construction near Santa Teresa and all along the New Mexico border threatens to make this problem worse by congesting all of the nearby ports and access roads with construction activity and will require additional organizational resources both to analyze the impacts and work against them.

35. Our border community is very much a regional one. BNHR members frequently go back and forth between El Paso and New Mexico. Traffic slowdowns and blight from construction on the New Mexico border highway and at the New Mexico ports will further impede our members' freedom of movement by delaying and deterring travel.
36. Large-scale construction threatens to affect our members' basic quality of life by forcing them to deal with the noise, large vehicles, and debris that accompany construction of this kind. BNHR families already know what to expect from their firsthand experience when the government constructed 5 miles of border wall at Sunland Park, New Mexico. Not only did BNHR families experience negative impacts from the trucks, noise, and debris, they also experienced an increase in civil rights abuses by members of law enforcement and the Border Patrol during this time.
37. The impending construction will also have to be a focus of BNHR's organizational resources. We have spent, and will continue to spend, approximately 70 to 80% of the organization's time and resources opposing the illegal construction and also helping our members deal with the harmful impacts they experience from it. This, in turn, further diverts resources away from our core educational, human rights, and immigration reform mission, all because the President is illegally refusing to respect the will of the American voters and our Constitution, including, specifically, our organizing and advocacy efforts with the Texas state legislature.
38. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATE: April 22, 2019

A handwritten signature in black ink, appearing to read "FERNANDO GARCIA". The signature is stylized with a large, sweeping "F" and a cursive "G".

Fernando Garcia